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131001.339

100TH CONGRESS  
1ST SESSION

S. \_\_\_\_\_

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IN THE SENATE OF THE UNITED STATES

\_\_\_\_\_ introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

A BILL

To clarify and restate the Comptroller General's authority to audit the financial transactions and evaluate the programs and activities of the Central Intelligence Agency, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assem-*  
3       *bled, That this Act may be cited as the "General Account-*  
4       *ing Office Audit Act of 1987".*

5       SEC. 2. Title 31, United States Code, is amended by  
6       inserting after section 3523 the following new section:

7       § 3523a. Audit of Central Intelligence Agency activities

8       “(a) Notwithstanding any other provision of law, the  
9       Comptroller General shall audit the financial transactions

1 and shall evaluate the programs and activities of the Cen-  
2 tral Intelligence Agency—

3 “(1) on the initiative of the Comptroller Gener-  
4 al; or

5 “(2) when requested by the Chairman or the  
6 ranking minority member of the Select Committee  
7 on Intelligence of the Senate or the Permanent Select  
8 Committee on Intelligence of the House of Repre-  
9 sentatives.

10 “(b) Whenever the Comptroller General conducts an  
11 audit or evaluation pursuant to subsection (a), the Comp-  
12 troller General shall provide the results of such audit or  
13 evaluation only to the Select Committee on Intelligence of  
14 the Senate, the Permanent Select Committee on Intelli-  
15 gence of the House of Representatives, and the Director of  
16 Central Intelligence.

17 “(c) Notwithstanding any other provision of law, the  
18 Comptroller General may inspect and copy any relevant  
19 books, documents, papers, records, other information, in-  
20 cluding written or recorded information of all kinds, and  
21 property which belongs to, or is in the possession or con-  
22 trol of, the Central Intelligence Agency in order to perform  
23 audits and evaluations pursuant to subsection (a). The  
24 Comptroller General shall also be provided access to the  
25 officers and employees of the Central Intelligence Agency

1 at such reasonable times as the Comptroller General con-  
2 sider necessary to carry out such audits and evaluations.  
3 Notwithstanding the preceding sentence, the Comptroller  
4 General shall not be provided access to any officer or em-  
5 ployee of the Central Intelligence Agency if the President  
6 determines that access to any such officer or employee is  
7 not in the national interest. The President shall prepare and  
8 transmit a report to the Comptroller General and the chair-  
9 man and ranking minority member of each committee re-  
10 ferred to in subsection (a)(2) of this section setting forth  
11 his determination. The President may not delegate the  
12 making of a determination under this subsection to any of-  
13 ficer or employee of the Executive Branch.

14 “(d)(1) After consultation with the Select Committee  
15 on Intelligence of the Senate and with the Permanent  
16 Select Committee on Intelligence of the House of Repre-  
17 sentatives, the Comptroller General shall establish proce-  
18 dures to protect from unauthorized disclosure all classified  
19 and other sensitive information furnished to the Comptrol-  
20 ler General or his representatives under this section.

21 “(2) All workpapers of the Comptroller General and  
22 all records and property of the Central Intelligence Agency  
23 that the Comptroller General uses during an audit or eval-  
24 uation under this section shall remain in facilities provided  
25 by the Central Intelligence Agency. Procedures established

1 by the Comptroller General pursuant to paragraph (1) of  
2 this subsection shall include provisions specifying the  
3 method and duration of any temporary removal of work-  
4 papers from facilities provided by the Central Intelligence  
5 Agency.

6 “(3) Before initiating an audit or evaluation under  
7 this section, the Comptroller General shall provide the Di-  
8 rector of Central Intelligence with the names and other rel-  
9 evant information concerning each officer and employee of  
10 the General Accounting Office who may have access to, or  
11 otherwise be provided with, classified or other sensitive  
12 information in connection with an audit or evaluation for  
13 purposes of security clearance reviews. The Director of  
14 Central Intelligence shall complete the necessary security  
15 clearance reviews on an expedited basis.

16 “(4) The Comptroller General shall provide the Di-  
17 rector of Central Intelligence with the name of each officer  
18 and employee of the General Accounting Office who has  
19 obtained a security clearance from the Central Intelligence  
20 Agency and to whom, upon proper identification, the offi-  
21 cers, employees, records, and property of the Central Intel-  
22 ligence Agency shall be made available in carrying out this  
23 section.

1       “(e) This section may be superseded only by a law  
2 enacted after the date of enactment of this section specifi-  
3 cally repealing or amending this section.

4       “(f) The authority provided in this section is in addi-  
5 tion to the authority that the Comptroller General has to  
6 investigate, audit, and evaluate the financial transactions,  
7 programs, and activities of any other establishment or  
8 agency of the Government of the United States.”.

9       SEC. 3. (a) Section 3524 of title 31, United States  
10 Code, is amended—

11           (1) in the first sentence of subsection (a)(1), by  
12 striking out “The” and inserting in lieu thereof the  
13 following: “Except with respect to audits or evalua-  
14 tions of the Central Intelligence Agency as provided  
15 in section 3523a of this title, the”;

16           (2) in subsection (c), by inserting “(other than  
17 activities conducted by the Central Intelligence  
18 Agency)” after “activities”;

19           (3) by amending subsection (d) to read as fol-  
20 lows:

21       “(d) This section does not apply to expenditures  
22 under section 102, 103, 105(d)(1), (3), or (5), or 106(b)(2)  
23 or (3) of title 3.”; and

1           (4) in subsection (e), by striking out “or a fi-  
2           nancial transaction under section 8(b) of the Central  
3           Intelligence Act of 1949 (50 U.S.C. 403j(b))”.

4           (b) Section 8(b) of the Central Intelligence Act of  
5           1949 is amended—

6           (1) by inserting “(other than section 3523a. of  
7           title 31, United States Code)” after “Government  
8           funds”; and

9           (2) by adding at the end thereof the following  
10          new sentence: “The Comptroller General shall audit  
11          expenditures made for objects of a confidential, ex-  
12          traordinary, or emergency nature to be accounted for  
13          solely on the certificate of the Director.”.

14          (c) Section 716(d)(1)(A), title 31, United States Code,  
15          is amended by inserting “(other than activities conducted  
16          by the Central Intelligence Agency)” after “activities” the  
17          first place it appears.

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